

Sean Reis (SBN 184004)
sreis@edelson.com
Edelson McGuire, LLP
30021 Tomas Street, Suite 300
Rancho Santa Margarita, California 92688
Telephone: (949) 459-2124
Facsimile: (949) 459-2123

Ryan D. Andrews (*admitted pro hac vice*)
Edelson McGuire, LLC
350 North LaSalle Street, 13th Fl.
Chicago, Illinois 60654
Telephone: (312) 589-6370
Facsimile: (312) 589-26378
randrews@edelson.com

Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JASMINE HUBBARD AND MARVEL
MILLS, individually and on behalf of a class
of similarly situated individuals,

Plaintiffs,

VS.

WENNER MEDIA LLC, a Delaware limited
liability company

Defendant.

Case No. 3:11-cv-04648-EMC

**STIPULATION AND [PROPOSED]
ORDER TO RESET DATES OF INITIAL
CASE MANAGEMENT CONFERENCE
AND ARGUMENT ON MOTION**

Judge: Hon. Edward M. Chen

Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the Northern District of California and Rule 4 of Civil Standing Order – General of the Honorable Edward M. Chen, it is hereby stipulated by and among Plaintiffs Jasmine Hubbard and Marvel Mills and Defendant Wenner Media LLC (collectively the “Parties”), by and through their respective counsel of record, as follows:

1. Plaintiffs filed the Complaint in this case on September 20, 2011. On December 9, 2011, Defendant filed a Motion to Dismiss or, in the Alternative, to Transfer to the Southern District of New York (“Defendant’s Motion”). Defendant’s Motion has been fully briefed and oral argument was originally scheduled for February 17, 2012.

1 2. The Parties wished to engage in settlement discussions, indicated a desire to
2 schedule an early settlement conference with a Magistrate Judge, and had an ADR phone
3 conference on February 14, 2012. In addition, the Parties had reason to believe that discovery
4 from third-parties would maximize the Parties ability to engage in meaningful settlement
5 discussions.

6 3. In consideration of this, the Parties stipulated to a Stay of sixty (60) days, which
7 this Court signed on February 13, 2012. (Dkt. 49.) During the stipulated period, the Parties
8 requested that this Court issue no decision on Defendant's Motion.

9 4. The Parties again stipulated to move the hearing date on Defendant's Motion from
10 April 20, 2012 to August 17, 2012. (Dkt. 57.)

11 5. Due to delays in the discovery process, the Parties stipulated to move the settlement
12 conference date, as well as the hearing date on Defendant's Motion that was scheduled for August
13 17, 2012. (Dkt. 63.)

14 6. On August 7, 2012, the Court entered an Order setting the hearing date on
15 Defendant's Motion to Dismiss, as well as the Case Management Conference, for November 2,
16 2012. (Dkt. 64.)

17 7. Since the entry of that Order, the Parties have received additional third-party
18 discovery and have begun discussing an alternative settlement model.

19 8. The Parties believe that they will be able to determine in the next few weeks if the
20 settlement of this matter pursuant to the terms currently under discussion can be effectuated and
21 that it would be in the best interests of judicial economy and efficiency to continue the hearing on
22 Defendant's Motion to Dismiss and the Case Management Conference.

23 9. This Stipulation will be the last request for a continuance of hearing on Defendant's
24 Motion and the Case Management Conference.

25 10. This stipulation would alter certain preliminary deadlines established by this Court,
26 including the obligation to file a Joint Case Management Statement in advance of the Case
27 Management Conference currently scheduled for November 2, 2012 at 1:30 p.m.

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1 a. The Initial Case Management Conference scheduled for Friday, November
2 2012 shall be continued to Friday, January 11, 2013 at 1:30 p.m. in Courtroom 5, 17th Floor,
3 450 Golden Gate Avenue, San Francisco, California, or as soon thereafter as is convenient for the
4 Court.

5 b. Oral argument on Defendant's Motion shall be continued to the same date
6 and time as the Initial Case Management Conference, or as soon thereafter as is convenient for the
7 Court.

8 c. The October 26, 2012 deadline for the Parties to file a Joint Case
9 Management Statement shall be continued to January 4, 2013.

10 This is the fifth stipulated time modification in this case; on November 7, 2011, the Parties
11 filed a joint stipulation to extend the time for Defendant to answer, move or otherwise respond to
12 the Complaint, and the Court so ordered on November 9, 2011. On February 10, 2012, the Parties
13 filed a stipulation and proposed order to reset the Case Management Conference and oral
14 argument on Defendant's Motion, which the Court so ordered on February 13, 2012. On April 9,
15 2012, the Parties filed a stipulation and proposed order to reset the Case Management Conference
16 and oral argument on Defendant's Motion, which the Court so ordered on April 10, 2012. On
17 August 3, 2012, the Parties filed a stipulation and proposed order to reset the Case Management
18 Conference and oral argument on Defendant's Motion, which the Court so ordered, with
19 modification, on August 7, 2012, resetting the date for November 2, 2012. No trial date has been
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1 set, so this extension will not require that a trial date be rescheduled, but it will require that the
2 Initial Case Management Conference and related deadlines be rescheduled, as set forth *supra*.
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4 IT IS SO STIPULATED.
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6 DATED this 19th day of October 2012.

7 EDELSON MCGUIRE LLP

DAVIS WRIGHT TREMAINE LLP

8 By: /s/ Sean Reis

9 By: /s/ Thomas R. Burke

10 Sean Reis
11 30021 Tomas Street, Suite 300
12 Rancho Santa Margarita, CA 92688
13 Phone: (949) 459-2124
14 Attorneys for Jasmine Hubbard and Marvel
15 Mills

16 Thomas R. Burke
17 505 Montgomery Street, Suite 800
18 San Francisco, CA 94111-6533
19 Phone: (415) 276-6500
20 Attorneys for Wenner Media LLC
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CERTIFICATION

I, Sean Reis, am the ECF User whose identification and password are being used to file this Joint Case Management Statement and Request to Continue. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Sharon Schneier has concurred in this filing.

Dated: October 19, 2012

EDELSON MCGUIRE LLC

By _____ */s/ Sean Reis*
SEAN REIS
Attorneys for
Plaintiffs Jasmine Hubbard and Marvel Mills

ORDER

Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

IT IS FURTHER ORDERED that the November 2, 2012 Initial Case Management Conference shall be rescheduled to ~~Thursday, January 17, 2013~~ Friday, January 11, 2013, at 1:30 p.m. in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California. Defendant's motion to dismiss is reset for January 17, 2013 at 1:30 p.m.

IT IS SO ORDERED.

DATED: October 22, 2012

